

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Type or print name of person signing certification

Signature

Date

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: CONNER Scott Eugene Group Art Unit: 1621
Serial No.: 10/542579 Examiner: Peter G. O'Sullivan
Application Date: February 10, 2004 Conf No.: 5335
US Nat'l Entry Date (if applicable): July 15, 2005
For: SULFONAMIDE DERIVATIVES AS PPAR MODULATORS

Docket No.: X16180

RESPONSE TO RESTRICTION REQUIREMENT

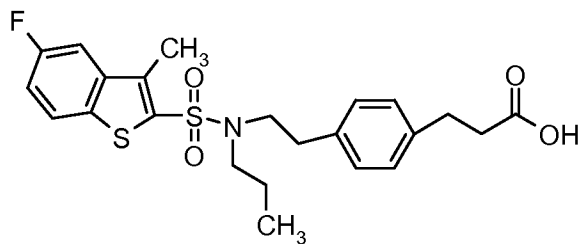
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the requirement for restriction dated April 21, 2008. Applicants understand that the present application is subject to a seventeen way restriction requirement, comprising groups I-XVII, wherein the Z variable comprises specific aryl or heteroaryl groups as set forth in the Examiner's action dated April 21, 2008.

Applicants hereby elect Group XI without traverse. Group XI is directed to the compounds, compositions, and methods wherein Z comprises benzothiophene, but not belonging to the other Groups. Applicants understand that Group XI encompasses both substituted and unsubstituted benzothiophene Z substituents within the scope of the claimed invention. If Applicants' understanding regarding the Group XI scope is incorrect, then Applicants respectfully traverse the grouping.

Further, Applicants understand that an election of species is required to assist the Examiner with Searching and Examination of the elected invention. Applicants wish to elect the compound described by Example 395. That is, 3-(4-{2-[(5-Fluoro-3-methylbenzo[*b*]thiophene-2-sulfonyl)propylaminoethyl]phenyl) propionic acid, having the structure:



..

Applicants do not wish to amend inventorship in light of the elected invention. Each of the named inventors continues to be an inventor for at least one claim remaining in the application.

Applicants request entry of the present election and amendment of the claims to reflect the elected invention.

Applicants reserve the right to file one or more divisional and/or continuation applications to claim the non-elected subject matter of the application.

Applicants respectfully request that any necessary fees associated with this application be paid from Eli Lilly and Company deposit account number 05-0840.

Any issues relating to this application may be directed to the undersigned attorney.

Respectfully submitted,

/MaCharri Vorndran-Jones/
MaCharri Vorndran-Jones
Attorney for Applicants
Registration No. 36,711
Phone: 317-276-1665

Eli Lilly and Company
Patent Division/
P.O. Box 6288
Indianapolis, Indiana 46206-6288

13 May 2008